

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

First Named Inventor: YAMADA, TAKATSUGU      Art Unit: 3656  
Appln. No.: 10/587,402      Examiner: Johnson  
Filed: July 26, 2006      Conf. No.: 7032  
For: TELESCOPIC SHAFT FOR VEHICLE STEERING

\* \* \*

REQUEST TO WITHDRAW FINALITY OF OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the finality of the Office Action dated March 25, 2010 be withdrawn.

The new grounds of rejection asserted in the Office Action were not necessitated by any Amendment of the claims nor by the submission of an Information Disclosure Statement. Applicant merely pointed out that the applied reference did not qualify as prior art under 35 U.S.C. § 102(e). Indeed, there is no reason that the newly asserted rejections could not have been made in the previous Office Action.

Accordingly, the finality of the Office Action dated March 25, 2010 is improper and should be withdrawn. The Examiner's reference to MPEP § 706.07(a) is duly noted. However, § 706.07(a) does not support the finality of a rejection under the circumstances of the present case.

Applicant respectfully requests prompt confirmation that the finality of the March 25, 2010 Office Action has been withdrawn.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (XA-10623) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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March 31, 2010